



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Senate Bill 168

Senate Substitute Amendment 1

Memo published: October 1, 2003

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Under **current law**, with certain limited exceptions, any city, village, town, or county (municipality) may provide for the enforcement of the one- and two-family dwelling code (the dwelling code). With certain exceptions, any municipality that does not provide for this enforcement must contract with the Department of Commerce (department) for necessary building inspection services under the dwelling code. However, a city, village, or town with a population of 2,500 or less may adopt a resolution exempting itself from enforcement of the dwelling code, or a resolution requesting a county to enforce the dwelling code within the city, village, or town.

Current law also provides that the department must provide inspection services and enforce the dwelling code in any city, village, or town with a population of 2,500 or less that does not enforce the code itself and has not either adopted a resolution requesting a county to enforce the dwelling code or a resolution exempting the city, village, or town from enforcement of the code.

2003 Senate Bill 168 repeals the authority of a city, village, or town with a population of 2,500 or less to exempt itself from enforcement of the dwelling code. The bill also repeals the authority of a city, village, or town with a population of 2,500 or less to request a county to enforce the dwelling code throughout the city, village, or town and it repeals provisions in current law requiring the department to provide inspection services and enforce the dwelling code in a city, village, or town with a population of 2,500 or less that has not either exempted itself from enforcement or requested the county to provide enforcement. Thus, under the bill, a city, village, or town with a population of 2,500 or less must either enforce the dwelling code itself or contract with the department for enforcement.

The **substitute amendment** repeals the authority of a city, village, or town with a population of 2,500 or less to exempt itself from enforcement of the dwelling code, as does the bill. However, the substitute amendment retains the authority of a city, village, or town with a population of 2,500 or less to request a county to enforce the dwelling code throughout the municipality, and the requirement that the department must enforce the code in a city, village, or town with a population of 2,500 or less that does not enforce the code itself and has not requested enforcement by the county. Thus, under the substitute amendment, if a city, village, or town with a population of 2,500 or less does not enforce the code itself and has not requested enforcement by the county, the department must enforce the code within the municipality.

2003 Senate Bill 168 was introduced on May 14, 2003 by Senator Brown and others, cosponsored by Representative J. Wood and others, and referred to the Senate Committee on Economic Development, Job Creation and Housing. Senator Brown offered Senate Substitute Amendment 1 on August 15, 2003. On August 14, 2003, the Senate committee held a public hearing on the bill and voted to adopt Senate Substitute Amendment 1 on a vote of Ayes, 5; Noes, 0. The committee recommended passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

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